

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,  
  
Debtor.

Chapter 11

Case No.: 21-22108 (RDD)

**ORDER GRANTING THE DEBTOR'S (I) OBJECTION TO CLAIM NO. 7  
FILED BY PHILIP GUARINO AND (II) MOTION TO ESTIMATE CLAIM NO. 7  
PURSUANT TO SECTIONS 105 AND 502 OF THE BANKRUPTCY CODE**

Upon the objection [Docket No. 249] (the “Objection”)<sup>1</sup> of 96 Wythe Acquisition LLC (the “Debtor”) for entry of an order pursuant to section 502 of the Bankruptcy Code and Bankruptcy Rule 3007, disallowing and expunging proof of claim no. 7 (the “Claim”) filed in this case by Philip Guarino; and upon the Lichtenstein Declaration; and this Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b) as a core proceeding pursuant to 28 U.S.C. § 157(b) and that venue in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtor provided due and sufficient notice of the Objection as represented by that certain Affidavit of Service, dated January 18, 2022 [Docket No. 310]; and there being no opposition to the Objection; and upon the record of the hearing held by the Court on the Objection on January 27, 2022; and, after due deliberation, this Court having determined for the reasons stated at the hearing that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein, in that the Objection rebutted any presumption of the validity of the Claim and the claimant has not carried his burden of proof; and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Objection is granted.

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<sup>1</sup> Capitalized terms used but not defined in this Order shall have the meanings given to such terms in the Objection.

2. Under section 502(b) of the Bankruptcy Code, the Claim is disallowed and expunged in its entirety.

3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

4. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: January 31, 2022  
White Plains, New York

*/s/Robert D. Drain*

THE HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE